

**WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**

Don Springmeyer  
Nevada Bar No. 1021  
Bradley S. Schrager  
Nevada Bar No. 10217  
3556 E. Russell Road, Second Floor  
Las Vegas, Nevada 89120  
(702) 341-5200/Fax: (702) 341-5300  
dspringmeyer@wrslawyers.com  
bschrager@wrslawyers.com  
*Local Counsel for Plaintiffs*  
*(Additional counsel appear on signature page)*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KATHERINE SEARS and VIRGINIA  
SEGANOS, individually, and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

MID VALLEY ENTERPRISES, LLC and  
PAHRUMP ICS LLC, doing business as  
“SHERI’S RANCH”

Defendants.

Case No.: 2:19-cv-00532-APG-DJA

**STIPULATION TO EXTEND TIME  
FOR PARTIES TO SUBMIT  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

(FIRST REQUEST)

WHEREAS, on March 29, 2019, Plaintiffs KATHERINE SEARS and VIRGINIA SEGANOS (“Plaintiffs”) filed a putative class and collective action complaint in the United States District Court, District of Nevada, asserting claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201, *et seq.* and Nev. Rev. Stat. Ann. §§ 608.016 and 608.018, and Article 15, Section 16 of the Nevada Constitution (collectively the “Nevada Claims”). [ECF No. 1].

WHEREAS, on May 24, 2019, Plaintiffs filed their First Amended Collective and Class Action Complaint with Jury Demand [ECF No. 25].

WHEREAS, on June 7, 2019, Defendants filed their Motion to Dismiss First Amended Collective Action and Class Complaint with Jury Demand [ECF No. 30].

WHEREAS, on April 16, 2020, Defendants’ Motion to Dismiss was granted insofar as it

sought dismissal of Plaintiffs' Nevada Claims (which the Court dismissed without prejudice for lack of subject matter jurisdiction), but was denied as to Plaintiffs' FLSA claims. [ECF No. 40].

WHEREAS, on April 27, 2020, Plaintiffs filed their Pre-Discovery Motion for Conditional Certification and Court-Authorized Notice to Potential Opt-In Plaintiffs Pursuant to 29 U.S.C. § 216 (b) ("Motion for Conditional Certification") [ECF No. 41].

WHEREAS, on April 29, 2020, Defendants filed their Motion for Interlocutory Appeal of Order Denying Dismissal of Plaintiffs' Fair Labor Standards Act Collective Action [28 U.S.C. Section 1292(b)] ("Motion for Interlocutory Appeal") [ECF No. 42].

WHEREAS, on April 30, 2020, Defendants filed their Motion to Stay All Proceedings Pending a Final Ruling on the Issues Raised by Defendants' Motion to Certify the Court's April 16, 2020, Order for Interlocutory Review Pursuant to 28 U.S.C. Section 1292(b) ("Motion to Stay") [ECF No. 43].

WHEREAS, on April 30, 2020, Defendants filed their Answer to Plaintiffs' First Amended Collective and Class Action Complaint with Jury Demand [ECF No. 44].

WHEREAS, LR 26-1(a) requires the conference pursuant to Fed. R. Civ. P. 26(f) to be held "within 30 days after the first defendant answers or otherwise appears" and for the "stipulated discovery plan and scheduling order" to be submitted within 14 days thereafter.

WHEREAS, the parties have conferred pursuant to Fed. R. Civ. P. 26(f) and agree that it is reasonable to refrain from formulating a discovery plan or conducting discovery pending the outcome of: (1) Plaintiffs' Motion for Conditional Certification; (2) Defendants' Motion for Interlocutory Appeal; and, (3) Defendants' Motion to Stay; all of which are fully briefed. The parties further agree that the appropriate time to submit a proposed discovery plan would be after the Court rules on the pending motions, and specifically Defendants' Motion for Interlocutory Appeal and Defendants' Motion to Stay. If the Court grants either of Defendants' pending motions, the time for submitting a proposed discovery plan will be stayed until after the interlocutory appeal is resolved. If the Court denies Defendants' pending motions, the appropriate time to submit a proposed discovery plan would be 21 days from either the close of

the opt-in period (if Plaintiffs' Motion is granted), or 21 days from the denial of Plaintiffs' Motion. At that juncture, the parties will know exactly which Plaintiffs and collective members are asserting claims in this case, and whether their claims are asserted solely on an individual basis or on a collective basis as well. Knowing this information will enable the parties to avoid disputes over discovery regarding non-participating putative collective members, and to properly gauge what discovery will be needed.

### **STIPULATION**

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, through their respective undersigned counsel of record, that:

1. The Parties' deadline to submit a stipulated discovery plan and scheduling order pursuant to LR 26-1(a) is **STAYED** pending the resolution of Plaintiffs' Motion for Conditional Certification. [ECF No. 41], Defendants' Motion for Interlocutory Appeal [ECF No. 42] and Defendants' Motion to Stay [ECF No. 43].

2. If the Court grants Defendants' Motion for Interlocutory Appeal or Defendants' Motion to Stay, the time for submitting a proposed discovery plan will be stayed until after the interlocutory appeal is resolved. If the Court denies Defendants' pending motions, the appropriate time to submit a proposed discovery plan would be 21 days from either the close of

///

///

///

///

///

///

///

///

///

///

the opt-in period (if Plaintiffs' Motion for Conditional Certification is granted), or 21 days from the denial of Plaintiffs' Motion.

IT IS SO STIPULATED.

DATED June 11, 2020.

**WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP**

By: /s/ Don Springmeyer

Don Springmeyer  
Nevada Bar No. 1021  
Bradley S. Schrager  
Nevada Bar No. 10217  
3556 E. Russell Road, Second Floor  
Las Vegas, Nevada 89120  
(702) 341-5200/Fax: (702) 341-5300  
dspringmeyer@wrslawyers.com  
bschrager@wrslawyers.com

*Local Counsel for Plaintiffs*

Jason T. Brown (PHV)  
Nicholas Conlon (PHV)  
**BROWN, LLC**  
111 Town Square Place, Suite 400  
Jersey City, NJ 07310  
Phone: (201) 630-0000  
jtb@jtblawgroup.com  
nicholasconlon@jtblawgroup.com

*Lead Counsel for Plaintiffs*

**FOX ROTHSCHILD LLP**

By: /s/ Mark J. Connot

Mark J. Connot (10010)  
Colleen E. McCarty (13186)  
Lucy C. Crow (15203)  
1980 Festival Plaza Drive, #700  
Las Vegas, Nevada 89135  
(702) 262-6899 tel  
(702) 597-5503 fax  
mconnot@foxrothschild.com  
cmccarty@foxrothschild.com  
lcrow@foxrothschild.com

Colin D. Dougherty (*Pro Hac Vice*)

**FOX ROTHSCHILD LLP**  
10 Sentry Parkway, Suite 200  
P.O. Box 3001  
Blue Bell, Pennsylvania 19422  
(610) 397-6500 tel  
(610) 397-0450 fax

*Attorneys for Defendants Mid Valley  
Enterprises, LLC and Pahrump ICS LLC d/b/a  
Sheri's Ranch*

### **ORDER**

The Court having considered the foregoing stipulation of the Parties, and good cause appearing, **IT IS HEREBY ORDERED THAT:**

The Parties' deadline to submit a stipulated discovery plan and scheduling order pursuant to LR 26-1(a) is **STAYED** pending the resolution of Defendants' Motion for Interlocutory Appeal [ECF No. 42] and Defendants' Motion to Stay [ECF No. 43].

If the Court grants Defendants' Motion for Interlocutory Appeal or Defendants' Motion to Stay, the time for submitting a proposed discovery plan will be stayed until after the

interlocutory appeal is resolved. If the Court denies Defendants' pending motions, the appropriate time to submit a proposed discovery plan would be 21 days from either the close of the opt-in period (if Plaintiffs' Motion for Conditional Certification is granted), or 21 days from the denial of Plaintiffs' Motion.

DATED June 12, 2020



Daniel J. Albregts  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of June, 2020, a true and correct copy of **STIPULATION TO EXTEND TIME FOR PARTIES TO SUBMIT DISCOVERY PLAN AND SCHEDULING ORDER** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By: /s/ Christie Rehfeld

Christie Rehfeld, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP